THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :7516 of 2007

DATED:12-04-2007

BETWEEN:

Komoju Bharatharao & another.

..... PETITIONER

AND

The Special Deputy Collector (Tribal Welfare)
Bhadrachalam,
Khammam District & 2 others.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Social Welfare appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the inaction of the 2nd respondent in passing appropriate orders either on the stay petition or on the appeal itself filed on 26-12-2006 against the order of eviction, dated 16-02-2006, in L.T.R.Case No.41/2000/MGR passed by the 1st respondent, as illegal and arbitrary.

3. It is stated that the 1st respondent-Special Deputy Collector, Tribal Welfare, Bhadrachalam, passed an order in Case No.41/2000/MGR, dated 16-02-2006, on an application of one Thotakura Venkaiah against Kamoju Arunakumar, who is the son of the 1st petitioner herein alleging that the said Arunakumar, who is a tribal, is in illegal possession of Ac.4.35 guntas of land in Sy.No.494 situated at Manuguru village, and accordingly he was ordered to be ejected. As against the said order, the petitioners filed an appeal before the 2nd respondent-Additional Agent to the Government on 26-12-2006 along with the application to grant stay but the 2nd

respondent has not taken up the stay application as well as the appeal.

4. It is stated that even during the pendency of the appeal, the 3rd respondent is taking steps to evict the petitioners from the said land. It is further stated that in fact, the son of the 1st petitioner died and the petitioners are in possession and enjoyment of the said land.

5. Having regard to the facts and circumstances, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the said Civil Miscellaneous Appeal filed against the order in Case No.41/2000/MGR, dated

16-02-2006, of the 1st respondent-Special Deputy Collector, Tribal Welfare, Bhadrachalam, and pending disposal of the appeal *status quo* with regard to the possession of the said land obtaining as on today shall be maintained. No order as to costs.

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V.ESWARAIAH, J

12th April, 2007

Note:

Furnish C.C. of the order
within two days.

B/o
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